

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-015297

01/24/2017

HONORABLE KERSTIN LEMAIRE

CLERK OF THE COURT

A. Arnold

Deputy

ARAB AMERICAN FESTIVAL

CHARITY E CLARK

v.

EMMA SARKIS, et al.

EMMA SARKIS

NO ADDRESS ON RECORD

RYAN COTNER

NO ADDRESS ON RECORD

NJERI DAVIS

NO ADDRESS ON RECORD

MERAY HAZARI

NO ADDRESS ON RECORD

CHAD A HESTER

SABA MAHMOOD

NO ADDRESS ON RECORD

SHARBEL NASEEF

NO ADDRESS ON RECORD

RAULA SAHDOU

NO ADDRESS ON RECORD

MAHA SHALBY

NO ADDRESS ON RECORD

SAFA SROUR

NO ADDRESS ON RECORD

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UNDER ADVISEMENT RULING

This matter came before the Court for Oral Argument on Defendants Mary and Atiba Davis' Motion to Dismiss. The Court has read the Motion, Response and Reply. The Court has also considered the applicable case law, statutes, and rules of Court. In addition, the Court has benefited from the arguments of counsel.

The Motion to Dismiss requests that this Court dismiss counts One, Two, Four and Five of the Complaint for a lack of personal jurisdiction and failure to state a claim upon which relief can be granted. Arizona Rules of Civil Procedure 12(b)(6).

In reviewing the plain language of the contract, it clearly was entered into between the contestants as individuals. No representative of the Miss Arab USA Pageant signed the document nor is an address provided for the Miss Arab USA Organization nor is a choice of laws clause included in the contract. As the contract was signed in Pennsylvania, the pageant was held in Pennsylvania, the Defendants reside in Oklahoma, Defendants do not have substantial or continuous and systemic contacts with Arizona. *Austin v. CystalTech Web Hosting*, 211 Ariz. 569, 125 P.3d 389 (App.2005). Nor did Defendants purposefully establish any minimum contacts with Arizona by purposefully availing themselves of the State's business opportunities and/or protections; the claim does not arise out of or relate to the Defendants' contacts with Arizona; and the exercise of jurisdiction over Defendants Davis would not be reasonable given the circumstances. *Williams Cybersell, Inc. v. Cybersell, Inc.*, 130 F.3d 414 (9th Cir. 1997). Nor did Defendants purposefully direct actions toward Arizona. *Asahi Metal Indus. v Superior Court*, 480 U.S. 102, 107 S.Ct 1026 (1987)

As Arizona is not the appropriate forum for Plaintiff to sue Defendants Davis due to a lack of general and specific personal jurisdiction,

IT IS ORDERED granting the Motion to Dismiss.

As the Court has found that it lacks personal jurisdiction over Defendants Davis, it need not address the other issues raised in the Motion to Dismiss. Had the Court ruled on those issues, it would have granted the motion on the grounds that the Complaint fails to establish a cause of action for breach of contract as the proper plaintiff did not bring suit. The Contract was between Mary Davis and the Miss Arab USA Pageant and not Mary Davis and Plaintiff. The Court would have allowed Plaintiff leave to amend the complaint to include the correct parties, if that is possible.